

TFW 2623 \$

Patent  
Attorney Docket No. 1017750-000418

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of

Henry C. Lee

Application No.: 09/976,040

Filing Date: October 15, 2001

Title: TWO DIMENSIONAL AUTONOMOUS  
ISOTROPIC DETECTION  
TECHNIQUE

) **MAIL STOP Amendment**

) Group Art Unit: 2623

) Examiner: BARRY CHOUBIN

) Confirmation No.: 1549

**AMENDMENT/REPLY TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- ☒ A Petition for Extension of Time is enclosed.
- ☐ \_\_\_\_\_ Terminal Disclaimer(s) and the ☐ \$ 65 ☐ \$ 130 fee per Disclaimer due under 37 C.F.R. § 1.20(d) are enclosed.
- ☐ Also enclosed is/are: \_\_\_\_\_
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$ 395 ☐ \$ 790 fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted \_\_\_\_\_ on \_\_\_\_\_ for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least \_\_\_\_\_, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

**Buchanan Ingersoll PC**  
ATTORNEYS

- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below:


AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	23	23	0	x \$ 50 (1202)	\$ 0
Independent Claims	2	3	0	x \$ 200 (1201)	0
<input type="checkbox"/> If Amendment adds multiple dependent claims, add \$ 360 (1203)					\$ 0
Total Claim Amendment Fee					\$ 0
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					0
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					\$ 0

- ☐ Charge \_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.
- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the fee due.
- ☒ Charge \$450.00 to credit card for the fee due. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date June 23, 2006

By:   
Shawn B. Cage  
Registration No. 51522

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703.836.6620



Patent

Attorney's Docket No. 1017750-000418

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	
	)	
Harry C. Lee	)	Group Art Unit: 2623
	)	
Application No.: 09/976,040	)	Examiner: Barry Choobin
	)	
Filed: October 15, 2001	)	Confirmation No.: 1549
	)	
For: TWO DIMENSIONAL	)	
AUTONOMOUS ISOTROPIC	)	
DETECTION TECHNIQUE	)	

**REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated January 23, 2006, Applicant requests reconsideration and allowance of the above-identified application. Claims 1-23 are pending where claims 16-21 and 23 are withdrawn from consideration.

Applicant acknowledges with appreciation the Examiner's indication that claims 2, 3, 5-15, and 22 contain allowable subject matter. For the reasons discussed in detail below, however, Applicant believes that claims 1 and 4 are also allowable.

In numbered paragraph 3 on page 2 of the Office Action, claims 1 and 4 are rejected under 35 U.S.C. §102(e) as being anticipated by the *Hamza et al* (U.S. Patent Pub. No. 2004/0146184). Applicant respectfully traverses this rejection.

As variously exemplified in Figures 1-7, an exemplary embodiment of the instant invention receives image data from a known source. The image data is segmented into multiple windows. The segmented windows are displayed in an order such that those windows most likely to contain target information are displayed

first, and those windows with a lesser likelihood to contain target information are displayed later. One of the multiple windows is selected as a window within which the object image is considered to reside based on the likelihood determined for the window.

The foregoing features are broadly encompassed by claim 1, which recites, among other elements, determining a likelihood that each window contains the object and probability rank ordering the multiple windows based on the step of determining.

The *Hamza* publication discloses a method for object detection that catches an image of a monitored area and divides that image into portions or segments. The size of each segmented window is chosen so that it is no bigger than the approximate size of the smallest object for which detection is desired. These segmented windows are positioned in a display such that the entire area to be monitored is covered by overlapping segmented windows. In other words, each segmented window overlaps approximately one-half of at least one other segmented window.

The Office Action states that in paragraph [0018] the *Hamza* publication teaches a probability rank ordering step, as recited in claim 1. However, this paragraph of the *Hamza* publication merely discloses that the size of a segmented window is directly related to the probability that an object will be detected in that window. In other words, the smaller the size of a segmented window the lower the probability that an object will be detected in that window. Further, these segmented windows are positioned in an overlapping configuration so that the entire monitored area is covered. Based on these teachings, it is readily apparent that the *Hamza*

publication fails to relate the probability of an object being detected in a window to the overlapping manner in which the windows are positioned. Any contrary interpretation of the *Hamza* publication would improperly rely on hindsight reasoning to reach its conclusion.

The Federal Circuit has held that "it is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious..." *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992). "The motivation to combine references can not come from the invention itself." *Heidelberger Druckmaschinen AG v. Hantscho Commercial Products, Inc.*, 21 F.3d 1068, 30 USPQ2d 1377 (Fed. Cir. 1993). "To draw on hindsight knowledge of the patented invention, when the prior art does not contain or suggest that knowledge, is to use the invention as a template for its own reconstruction – an illogical and inappropriate process by which to determine patentability." *Sensonics, Inc. v. Aerosonic Corp.*, 81 F.3d 1566, 38 USPQ2d 1551 (Fed. Cir. 1996).

The *Hamza* publication fails to teach every element recited in claim 1. Thus, claim 1 is not anticipated by this reference. Applicant requests, therefore, that the rejection of claim 1 and dependent claim 4 be withdrawn, and these claims be allowed.

In numbered paragraph 4 on page 3 of the Office Action, claims 2, 3, 5-15 and 22 are objected to for their dependency upon rejected claim 1. Applicant respectfully traverses this rejection, and believes that the aforementioned claims are allowable for at least the same reasons discussed in detail above with respect to claim 1.

Applicant requests, therefore, that the objection to these claims be withdrawn and these claims be allowed in their present form.

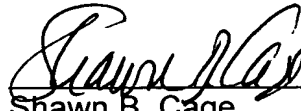
By the foregoing amendments and remarks, Applicant has addressed all outstanding rejections raised in the non-final Office Action dated January 23, 2006. For at least this reason, Applicant respectfully submits that the instant application is in condition for allowance and respectfully request the issuance of a Notice of Allowance.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: June 23, 2006

By:



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